

Remarks

Claims 2-16 are pending in the application, of which claims 2-16 are rejected. By this paper, Applicant amends claim 12 to correct an informality regarding punctuation.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claims 2-16 under 35 U.S.C. § 103(a) as being unpatentable over Koscielny et al. (US 7153246) in view of Senegal (US 2007/0083975).

Claims 9 and 12 require "each loading element is an inextensible adjusting band and elastic tie . . . the ends of the adjusting bands are provided with buckles and hooks". The buckles and hooks of claim 9 and 12 are continuously adjustable, so that a precise load may be set to create a balanced torque on a body part (such as to each side of a foot). The Examiner states that the elastic band or loading member of Koscielny et al. requires "a plurality of spaced apart adjustment nodes" (page 3). In Koscielny et al., the spaced apart adjustment nodes and the fixed attachment points on the suit only enables a discontinuous loading force change. Senegal does not teach an adjustable band on a loading element as required in claims 9 and 12. Since Koscielny et al. and Senegal do not teach suggest, or provide for a continuously adjustable adjusting band, claims 9 and 12 are believed to be nonobvious over the combination of references.

Additionally, claim 12 requires "coarse individual fitting of the breast and pelvis pads around the user can be made through a series of pleats . . . the pleats fitted with n zip fasteners . . . which provide n+ 1 standard sizes of the breast and pelvis pad". Claim 2 depends from claim 9 and also requires coarse fitting using pleats and zippers. The Examiner stated that Koscielny et al. fails the teach the system of pleats and zippers. (page 5, paragraph 3). Senegal teaches webbing increased or decreased by adjustably threading either the right or left side ends. (page 13, paragraph 51). This is a continuous adjustment and not a step or standard size adjustment, and leads to wrinkling of the pads as opposed to a smooth fit as in claims 2 and 12.

Senegal teaches zippers as an attachment means, but the zippers are used only to close the vest around the user. (page 4, paragraph 51). Since Koscielny et al. and Senegal fail to teach, suggest, or provide a system of pleats and zippers, claims 2 and 12 are believed to be nonobvious over the combination of references.

Claims 5 and 15 depend from claims 9 and 12 respectively and are therefore believed to be nonobvious for at least the reasons stated above with respect to claims 9 and 12. Additionally, claims 5 and 15 require "each loading element is provided with a dynamometric tape". Koscielny et al. discusses the attachment members providing the "desired neurological feedback", but only subjectively and not in an objective manner. (column 4, lines 42-49). Senegal teaches feedback through webbing, weights, other people, and exercise equipment, but not for each loading element in an objective manner, or in a way that moves with the user. (page 56, paragraph 72). The dynamometric tape of the present invention provides an objective feedback (opposed to a subjective one). Additionally the dynamometric tape is attached to the adjusting bands and will move with the bands and coincide with the body of the user during movements, without additional impact on the user. Since Koscielny et al. and Senegal fail to teach, provide, or suggest an objective system of measurement and feedback for each loading element that may move with the user, claims 5 and 15 are believed to be nonobvious.

Claims 3-4, and 6-8 depend from claim 9 and are therefore believed to be nonobvious for at least the reasons stated above.

Claims 10-11, 13-14, and 16 depend from claim 12 and are therefore believed to be nonobvious for at least the reasons stated above.

Additionally, attached to this Amendment is a Declaration under 37 C.F.R. § 1.132 of Inesa Benediktovna Kozlovskaya. MPEP § 716 states that declarations of secondary considerations of nonobviousness must be considered by the Examiner. Kozlovskaya is one of the inventors of the claimed invention, and a person having ordinary skill in the art to which this subject matter pertains, at the time the invention was made. Paragraphs 1-4 establish that the claimed invention is nonobvious to one having ordinary skill in the art. Paragraphs 2-4 discuss

the Koscielny et al. and Senegal patents, and offer as evidence that the combination of references does not teach, suggest, or provide for the claimed invention.

Conclusion

In view of the foregoing, Applicant respectfully asserts that the application is in condition for allowance, which allowance is hereby respectfully requested.

Respectfully submitted,

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